THE ART OF GOVERNING.

SHEWING,

I. The ſeveral Sorts of Governments at this Time Eſtabliſh'd in *Europe*; from which is taken the beſt Kind of Government for a Free People, as that of *England*, &c.

II. Of the Abuſe of Governments, by Publick Miniſters, in reſpect to Liberty, &c. on the Maxim in Law, The King can do no Wrong; with the Character of a Modern Stateſman, and the great Lord *Bacon*'s Advice to a Courtier.

III. Of Freedom and Slavery, as to Government; manifeſting, that by the extraordinary Uſe, or the Non-Uſe of National Laws, and general Corruptions, they may be much the ſame Thing.

IV. Of the Parliament of *England*, and the Frequency of *Britiſh* Parliaments; proving the latter not only the Fundamental Right of this Nation, but that Liberty is grounded upon, and cannot Subſiſt without it.

LONDON:
Printed for T. WARNER, at the *Black-Boy* in *Pater-Noſter-Row*; and A. DODD, at the *Peacock* without *Temple-Bar*. 1722.
Price One Shilling.

Vet. A4 e. 2076

Bt from P M Hill Cat. 79/117

2

P

Gre
The
Tin
App
graj
men
mo
tion
rab

THE

PREFACE.

THE following Pages, were for the moſt part written, at a time that a Great many Perſons thought They were in Danger; at a Time we were frighted with Apprehenſions of *Barracks*, *Ingraftments*, and a *Long Parliament*; at a time of Publick Clamour againſt *Publick Corruptions*; and before the Honourable Houſe of Commons,

brought in the Bill for Repealing the Quarentine Act.

As Theſe were in every one's Mouth, it is no more than Natural for an Engliſhman, and a Lover of his Country, to be Incited to make ſome obſervations on what has occurr'd. Accordingly I have made Obſervations, Such as are bold indeed; but ſuch as are Honeſt: They are chiefly on Perſons and Things *in general*, that either have been, or poſſibly may be, and not on the Preſent: I think I have Evidenc'd this; I make no Application; nor do I deſire any will do it for me.

The PREFACE.

IF the People of *England*, ſhould Think themſelves in Danger, my Reflections may, in ſome meaſure, do Good: And on the contrary, If we are not in Danger, I humbly hope they cannot Do harm: A Mariner is not to be blam'd, for Guarding againſt a Tempeſt, before it Riſes: And what ever Spirit appears in this Treatiſe, it will not Appear to be a Rebellious Spirit. A Zeal for Liberty alone, has put me upon it; And I hope no Friend to Engliſh Liberty, can be an Enemy to King *George*.

IN

The PREFACE.

In my Characters of Courtiers, I have presum'd to Mention a Noble Duke now Living; as to Publick Credit: If I am wrong, in taking this freedom, I ask his Pardon. The Letter I have inserted of the Great Lord *Bacon*, is a useful and necessary Instruction to all Courtiers and Statesmen. And if under the Head of Elections of Parliaments, I have been longer than expected, it is because we apprehend an Election is at Hand.

THE Authors consulted in these Pages, I have every where

where mention'd, when I have taken any Thing from them; unleſs it be in my Hiſtorical Account of Governments abroad: As for the reſt, what ever is its Fate, I muſt Say it is my own.

I have only one Thing farther to Obſerve, which is that All Applications for an Author are unjuſt; And that a Suppoſition of Danger, is no Proof of Danger it ſelf.

THE

G

ny,
only
verr

V
mer
this
poi

THE ART OF GOVERNING.

TO Rule a Kingdom is to Govern it according to its Eſtabliſh'd Laws, and not according to the Will of the Prince, or Magiſtrates in Power. Government being for the Good of Society, to Oppreſs is Tyranny, and no Part of Government; and Protection only, is the firſt Foundation of all Kinds of Governments.

WHETHER we owe the Riſe of Governments either to Divine or Human Inſtitution, this will be evident: If God has originally appointed us Governours, it will be charging him

With Injuſtice to ſay, They were aſſign'd us for our Deſtruction; On the contrary, it is conſiſtent with the All-wiſe Being, to inveſt ſuch Perſons with Publick Authority, as may keep up the Order of the Kingdoms of the Earth, by an Imitation of his great Perfections; by promoting Virtue, Piety, and Humanity, in the Actions of Men one towards another; and ſecuring to the People under them their Rights and Privileges: This muſt certainly be the Commiſſion to Kings from the Almighty Being, if they are appointed by Him; and this muſt be their Power, if conſtituted by Man.

We read in the Scriptures, that we muſt obey the Higher Powers; which is not only the Duty, but the Intereſt of Subjects, where their Governours Rule by the Laws of the Land, and Defend them in their Properties: But it is the greateſt Abſurdity in Nature to imagine that a King, who ought to be the Father of his Country, ſhall make his Will his Law, and Tyrannize over his Fellow-Creatures, without Controul, and that by Commiſſion from God: If this were allow'd, it would amount to a Licence to a vicious Monarch to perpetrate the moſt flagrant Crimes, and at his Pleaſure to commit all manner of Wickedneſs.

But not to dwell long upon this, in this Place, I ſhall make it my Buſineſs to examine into the Origine of Governments, and their ſeveral Kinds. The firſt Government, we are told by ſome Writers, was Patrimonial; and that the Patrimonial Government was originally Sovereign, before other greater Bodies Politick had Being:

It

It continued in the Heads of Families ſo long as they liv'd; and when they died, the Patrimony and Sovereignty over all the reſt of the Brethren deſcended to the Eldeſt Son; tho' every Son was the immediate Governour of his own Family: Great Families at laſt became little Kingdoms; and out of thoſe, greater Kingdoms and Empires were form'd.

THIS is what ſome Authors tell us, as to the Origine of Governments; but others are of Opinion, that the Patrimonial Government extended only to Property; and the Guardianſhip of Minors; and not to Sovereignty, which the Submiſſion only and Conſent of a People, in general could effect.

BE their Original as it will, ſince there have been Empires, Kingdoms, Commonwealths, and States, we have had ſeveral Kinds of Governments introduc'd; ſuch as the Monarchical, Ariſtocratical, Democratical, *&c.* A Government *Monarchical*, is where there is one Head, in whom the Regal Authority is veſted. Where a Government conſiſts of more than one, as an Aſſembly of the moſt Chief Perſons, this is what we call an *Ariſtocracy*. And where a Government is an Aſſembly of All, it is then the Government we call *Democracy*.

THE Kingdom of *France* is ſubject to a Monarchical Government, by one abſolute King: Indeed the King has Eight Principal Parliaments; but they are more properly Councils of State and Juridical Aſſemblies, than Parliaments of the Kingdom for Enacting of Laws: For tho'

they have the Name, they have not the Authority: Every Parliament is a Court of Judicature, but that of *Paris* has the chief Supremacy, to which Appeals are brought from all the other Parliaments. The Officers of State in this Kingdom, are the Lord Chancellour, Treaſurer, Conſtable, Admiral, Steward, Chamberlain, Maſter of the Horſe, Secretaries, *&c.*

SPAIN is likewiſe a Monarchical Government, and has ſeveral Councils, *viz.* the Privy Council, Council of *Caſtile*, *Aragon*, *Italy*, *Indies*, *Treaſure*, *War*, *Chamber*, &c. each whereof is govern'd by Lords Commiſſioners, Judges, and Counſellours; to which Courts or Councils, all Matters, of the ſeveral Kinds, are referred and there determined; but ſubject to Appeal to the Council of *Caſtile*, which is the King's immediate Council, and the Higheſt Court of Judicature.

In *GERMANY* the Government is Imperial. The Imperial Chamber is the Supreme Court of Judicature: And the Hans-Towns, or Cities of *Germany*, are divided into Circles, called by the Names of their Principal Cities, in each of which is held a High Court of Juſtice, which admits of no Appeal, unleſs it be to the Imperial Chamber. For Matters of a publick Nature, there are ſeveral Diets or Parliamentary Aſſemblies; and the Government is ſaid to conſiſt of three Eſtates; the Emperour repreſents the *Monarchical* State, the Princes the *Ariſtocratical*, and the Deputies of Cities the *Democratical*.

HOL-

HOLLAND was formerly Govern'd by the Dukes of *Burgundy*; but now the People Govern themſelves by a Free State. The Provinces join together in an *Ariſtocracy*: Each Province hath a Deputy; and the Common Council is elected out of their principal Towns; but the Reſidency of the General Council is at the *Hague*, where all Matters of great Importance are tranſacted.

As to *ITALY*, for Government, the Popes aſſemble a Conſiſtory of Cardinals, which is the Supreme Court of Judicature; from hence iſſue Bulls, Mandates, *&c.* Other Courts are the Court of Chancery, and the Court of Audience of the Apoſtolick Chamber; which are govern'd by Cardinals, Preſidents, and Counſellours. The Officers of the Pontiff are a Chancellour, Treaſurer, Chamberlain, Commiſſary, Secretaries, *&c.*

NAPLES is govern'd by a Viceroy, who has under him a Governour over every Province. Here are four Courts of Parliament, held at the chief Cities, at which the Viceroy, with the Nobility and Chief of the Realm, meet to make Laws. And the Officers of State are, Conſtable, Chancellour, Treaſurer, Admiral, and Chief Juſtice.

The Government of *POLAND* partakes more of *Ariſtocracy*, than *Monarchy*. It is ſhared amongſt the King, the Nobility and Senate. The Biſhops, Counſellours, Pallatines, and Caſtallanes of Counties and Cities, and Marſhals, Judges, *&c.* are divided into two Houſes of Parliament,

liament, one for Civil, and the other for Military Cauſes.

In *MUSCOVY* the Czar, or Emperor, has ſeveral Councils; as, for Foreign Affairs, War, Revenues, Trade. He makes his Laws, by firſt adviſing with his Clergy, and then by the Votes of the Nobility; who are ſummoned by a Lord Chancellour, his Principal Counſellour of State: But this Country has few Laws, tho' there are many Cuſtoms. The Czar is a Prince famous for his Induſtry; He is a great Encourager of Arts and Sciences, and particularly of Commerce: But tho' he encourages Strangers in his Dominions, he ſeldom entruſts them with any Share of his Government.

In *SWEDEN*, the Government, in Eccleſiaſtical and Civil Matters, is much like to *England*, and ſo are its Laws; but the King was formerly an abſolute Sovereign. Here are five Courts of Judicature, *viz.* the King's Chamber, Court Martial, Court of Chancery, Court of Admiralty, and Court of the Exchequer: And the chief Senator of the *Swediſh* Parliament, is Supreme Judge of the Kingdom.

DENMARK has for Government a Monarch of Great Power; tho' his Revenues are not anſwerable to it. The King has a Parliament choſen out of the Nobility, Knights, and Gentry, who ſit to diſpatch the Affairs of the Nation; and by them Laws are made and enacted. The Officers of State are much of the ſame Nature with thoſe of *Great Britain*, viz. Chancellour, Treaſurer, Admiral, Maſter of the Horſe, *&c.*

THESE are the chief Governments at this Time ſubſiſting in *Europe:* I ſhall here omit the Government of *Turkey*, a Tyrannical Empire, partly in *Europe* and partly in *Aſia*; and the Commonwealth of *Venice*; with ſome others of leſs Importance, and proceed to the Government of *Great Britain.*

THE Government of *England* is a Monarchical Government. It is a mix'd Limited Monarchy; wherein the Executive Power is lodg'd in the King, and the Legiſlative in three Eſtates, the King, Lords and Commons. But ſome Perſons tell us, it is a Commonwealth, with a King at the Head of it. The *Britiſh* Monarch allows no Superiority to any upon Earth; and is Emperor over all the *European* Seas. He has two Houſes of Parliament, the Lords and Commons, Repreſentatives of the whole Realm, for Enacting of Laws: And, for Government of the State, Nine Great Officers, *viz.* Lord High Chancellour, Lord High Steward, Lord Treaſurer, Lord Preſident, Lord Privy Seal, Lord Chamberlain, Lord High Conſtable, Earl Marſhal, and Lord High Admiral: Then he has alſo Two Secretaries of State; a Privy Council, and Cabinet Council; beſides the ſeveral Courts of Judicature in *Weſtminſter-Hall*, the Chancery, King's-Bench, *&c.*

AS to the Prerogative of the King of *England*, He may alone, without his Parliament, declare War, make Peace, ſend and receive Ambaſſadours, make Leagues and Treaties with Foreign States, give Commiſſions for Levying Men and

and Arms by Sea and Land, diſpoſe of all Magazines, Ammunition, Caſtles, Fortreſſes, Ports, Havens, Ships of War, and publick Money: He may, at his Pleaſure, Convene, Adjourn, Prorogue, Remove, and Diſſolve Parliaments; Refuſe to Aſſent to a Bill paſs'd by both Houſes; and may Encreaſe the Number of Members to Parliament, (but this Prerogative is of late given up;) He hath alone the Choice of all Commanders, and other Officers, by Land and Sea; the Nomination of all Counſellours and Officers of State, of Biſhops, and other High Dignities in the Church; the beſtowing of all Honours; the Power of determining Rewards and Puniſhments; and, by his Letters Patent he may Erect New Univerſities, Boroughs, Colleges, Hoſpitals, Fairs, Markets, Foreſts, Chaſes, *&c.*

This is the Prerogative of the Kings of *England*, as to their general Authority: And, according to the Opinion of King *Charles* I, the King's Prerogative is to defend the People's Liberties, and the People's Liberties to ſtrengthen the King's Prerogative.

The Prerogative of Preſerving the Rights of the People, is a Glorious and God-like Prerogative; for this End were all Governments originally Inſtituted; and tho' the Learned *Bracton* ſays, *Rex eſt Vicarius & Miniſter Dei in Terra; omnis quidem ſub eo, & ipſe ſub nullo, niſi tantum ſub Deo*, yet ſome of our Kings have found by fatal Experience, both to themſelves and their Kingdoms, that they have been Under the People, when they have once broke in upon their Eſtabliſh'd Liberties.

Such

SUCH Kingdoms as are Rul'd by the Arbitrary Will and Pleaſure of a Prince, have been reckoned Governments of Brutes, and not of Men, who are endued with Underſtanding, eſpecially Men that call themſelves Freemen: And whenever a Prince violates the Laws of Liberty, he may expect to be treated, by Men of Senſe in the Intereſt of their Country, as an Enemy to Society.

Mr. *Locke* tells us, That the Learned King *James* I. who well underſtood the Notions of Things, makes the Difference between a King and a Tyrant, to conſiſt only in this; That one makes the Laws the Bounds of his Power, and the Good of the Publick the End of his Government; the other makes all give Way to his own Will and Appetite. Wherever we find that the Law ends, Tyranny begins: And whoſoever in Authority exceeds the Power given him by the Law, and makes uſe of the Force he has under his Command, to compaſs that upon the Subject which the Law allows not, ceaſes to be a Magiſtrate.

I DO not mention this Quotation from *Lock*, or the Paragraphs preceding and ſubſequent to it, as any Reflection Upon, or any ways to apply them to the preſent Reign, becauſe they cannot be thus applied: God be thank'd, we have a King, I ſpeak it ſincerely, who is a Wiſe and Prudent Prince; a Prince of extenſive Goodneſs; and one that is Juſt, Gracious, and Merciful to his People: But I mention them, to ſhew what it is poſſible Princes, in general, may be brought un-

ſo, and what may be their Succeſs, whenever they attempt to Subvert the Laws.

PROTECTION, by the Laws of all Countries, draws Subjection, and Subjection Protection: The People of *England* are bound to Obey and ſerve their Prince; and the Prince is bound to Defend his Subjects, and maintain them in their Privileges: Every King, ſo long as his Subjects ſubmit to his Government, ought not only to Protect them, but to Cheriſh, Comfort, and Relieve them, as a common Parent: It is incumbent on him to provide for their Safety, their Welfare, and their Happineſs, as far as in him lies; and this is his Intereſt, as well as his Duty.

TO encourage Induſtry, and diſcourage Indolence, Vice and Luxury, are Things in a Prince which make him ſhine with diſtinguiſh'd Luſtre, and exalt him to the higheſt Pitch of Glory. 'Tis Induſtry which makes a Kingdom Wealthy, and Wealth is Power, and Power is Dominion: But if once a Prince, inſtead of promoting Induſtry, ſhould eſpouſe Indolence; and inſtead of diſcountenancing, ſhould give himſelf up to Vice and Luxury, it may be expected from thence that his Power and Dignity will ſoon be Leſſen'd.

THE Encouragement of Arts, in civiliz'd Nations, very much depends upon the Encouragement of Liberty; for where Liberty is wanting, there is a Want of Induſtry; and without Induſtry Arts cannot be encourag'd: Since therefore it is Liberty which promotes Induſtry, and Induſtry Power, Liberty ſhould in all Caſes be favour'd, that Induſtry may take Place.

WHAT

WHAT is it has Inſpir'd the People of *England* with Courage and Magnanimity, beyond all other Nations, but their Liberty? What is it has made us an Ingenious, Active, and Warlike Nation, our Liberty? What is it has rendered us a Great, Wealthy and Happy People, our Liberty? And what is it has made us Terrible to the whole World, but our *Engliſh* Liberty?

I BELIEVE this will be univerſally acknowledg'd; and as Liberty is of ſuch Importance to the *Engliſh* Nation, the Kings of *Great Britain*, above all other Princes, ought to extend it to the utmoſt: 'Tis this is the Sum of our Happineſs, of our Eaſe, our Reſt, and Quiet: Without it the People of *England* are Nothing; and with it, they are the Greateſt People upon Earth.

WITH regard to theſe Conſiderations, I have often reflected on the Weakneſs of thoſe Governours, who have made it their Buſineſs to ſeize upon the Liberties of Mankind; and tho' we have not, for Thirty Years paſt, had any open Attacks upon Liberty, in this Kingdom, yet ſome Things, in the Judgment of the People, have ſeem'd to diſcountenance it.

I SHALL firſt preſume to mention an Act lately talk'd of, which I hope will be Repeal'd, by reaſon the People in general, apprehend it may expoſe them to Hardſhips; for however beneficial this Act may be intended for the Good of the Kingdom, the Publick do not, or will not, enter into it; they are Allarm'd

at Apprehenſions that the *Barracks* deſign'd for Infirmaries, may be uſed as Receptacles for an Armed Force; Or if not, that an Eſtate may be a Plague-Sore, and conſequently ſome Perſons be ſubject to Confinement in a *Barrack*, and their Families, their greateſt Comfort, remov'd from them, at a Juncture they may be in Danger of no other Plague, than the Corruptions of the Times.

THIS is what's generally apprehended, as to this Law; tho' thus much, may be ſaid in Anſwer to it: If the two Houſes of Parliament, the Guardians of our Liberties, have thought fit to lodge with the King an extraordinary Power, no one can blame our moſt Gracious Sovereign for his accepting of it; but the Power that has been granted is only a Prudential Power, deſign'd to be prudently uſed; And 'tis againſt the Intereſt of our King to injure his Subjects, becauſe their Ruin muſt work his Unhappineſs.

BESIDES, as Mr. *Locke* has obſerv'd, in the Caſe of a Man that has the King's Writ to Arreſt another; This is a full Commiſſion from the King, and yet he that has it cannot break open a Man's Houſe to do it, nor execute this Command of the King upon certain Days, nor in certain Places, tho' the Commiſſion have no Exception in it; but they are the Limitations of the Law, which if any one tranſgreſs, the King's Commiſſion excuſes him not.

AS Liberty and Property are the Rights of an *Engliſhman*, and always go together; we have alſo

alſo been allarm'd at a late Projection for the *Ingraftment* of *South Sea* Stock without Conſulting Proprietors; which is by many look'd upon as a bold Attempt, becauſe it was never known that the Property of an *Engliſhman* was ever diſpos'd of without his Conſent: It has rais'd a general Suſpicion in the People; (and 'tis a great Misfortune to a Government to be Suſpected:) For, whenever a Government of a Free People extends to Acts as are extraordinary and unuſual, the Subjects are naturally Jealous of their Liberties.

THE Indulging the Liberties of the People of *England*, is the true Intereſt of a *Britiſh* Monarch, and of Conſequence chiefly to be regarded in his Government; for by it, not only this Kingdom Flouriſhes, but the Affection of a powerful People is preſerv'd; and, I take it, there is a very great Difference between Ruling in the Hearts of a People, and Governing by Force.

I SHALL here inſert what a late † Author has obſerv'd, as to the Formation of Governments in general, which concludes the firſt Part of my Eſſay. He tells us, "The only Secret in "Forming a Free Government, is to make the "Intereſts of the Governours and of the Go-"verned the ſame, as far as Human Policy can "contrive. Liberty cannot be preſerv'd any "other Way. Men have long found from the "Weakneſs and Depravity of themſelves and "one another, that moſt Men will act for In-

† London Journal, *Jan.* 6, 1721.

"tereſt

" tereſt againſt Duty, as often as they dare: So
" that to engage them to their Duty, Intereſt
" muſt be link'd to the Obſervance of it, and
" Danger to the Breach of it: Perſonal Advan-
" tage and Security muſt be the Rewards of
" Duty and Obedience; and Diſgrace, Torture
" and Death, the Puniſhmeut of Treachery and
" Corruption."

THIS is the Senſe of an Author at this Time in great Reputation, but one whom I cannot in all Things approve; tho' I think that in what I have Quoted he is exceedingly juſt. I now come to the *Abuſe of Governments*, by Publick Miniſters, in reſpect to Liberty, *&c.*

ALL Publick Miniſters ought to purſue their Countries Good: For this being the Authority and Duty of Kings, they may not delegate any other Power to their Miniſters. By publick Miniſters, I mean thoſe Perſons as are employ'd in the Affairs of the Publick. Kings deſign'd for the publick Good, cannot empower their Miniſters to act publick Evil: And tho' the King, by a favourable Conſtruction of Law, may in ſome Caſes be excus'd, yet his Miniſter acting under him, will not; becauſe no one ought to act unjuſtly from any Command, Injuſtice not being authoriz'd by any Law, and where there is no Law there is no Authority.

A MAN may be famous for his Learning, for his Rhetorick, his Oratory, and every Thing but his Country's Good; but I do not envy any Perſon this Reputation: The moſt conſummate Wiſdom that Man is capable of, if wrong applied,

is

is not Fame, but Infamy; and Virtue only is real Fame.

But every Miniſter that comes into Power, does not ſeek after this real Fame: 'Tis the imaginary Fame of Wealth, of Titles, Honours, and Worldly Grandeur, that Miniſters in general have moſtly in View: Their main Deſign is glittering Power; Money, Money is their Cry; for this Ways and Means are found out, ſome for the King, and more for themſelves; and the publick Good is either laid aſide, or hangs upon the Tenters.

When Money only, or that chiefly, is the Darling of Perſons at the Helm every Thing is in Danger of Falling to it: By this, Kingdoms have loſt their Liberties: Great Revolutions of Government have happened; and extraordinary Events in Peace and War. 'Tis no Wonder that the Credit of a Nation ſhould be in a ſinking Condition, when Perſons in Power drain it of its Coin, when Avarice is countenanc'd, Deceits are numerous, and Frauds triumphant. Credit is like a Stone caſt againſt a Hill; difficult and ſlow in its Aſcent, but haſty and impetuous in its Return: 'Tis Honeſty alone that ſets it forward; and Knavery only that brings it back again.

I Do not blame our preſent Miniſtry for a Conduct of this Nature; if any are to be blamed 'tis the Miniſtry under them; tho' thus much I will ſay, when once a Miniſter is become obnoxious, (I don't ſay any one is now ſo,) it is then high Time to Remove him from the Miniſtry: He

He is a Load and Clog to Credit, and every Thing ſuffers under his Adminiſtration. The greateſt Schemes and moſt important Projections that can poſſibly be framed, coming from the Hands of a Man who has forfeited his Reputation, or who is unfortunately thought Ill of by the People, will ſignify nothing: The Fears of the Populace will diſconcert his Meaſures; and if he continues in Power, the publick Affairs will daily Languiſh, if he do not at laſt fall a Sacrifice to the People.

When we have ſuch a Miniſter at the Head of our Affairs, common Politicks tell us he cannot be too ſoon Remov'd from his Miniſtry: The publick Good requires it; and he muſt ſubmit. And whenever there is Occaſion for the Removal of ſuch a Man, there is at this Time a Gentleman in Being, worthy of the greateſt Employments under the Greateſt of Princes, whom I could mention as a proper Inſtrument for the Retrieving of Miſconducts; one who has always acquitted himſelf with an unblemiſh'd Character, who has a Soul above all Mercenary Views, a vaſt Capacity and Genius for Buſineſs, and the true Spirit of an *Engliſh* Nobleman. The Perſon I hint at is a Duke of *Great Britain*.

He would be the Great Reviver and Reſtorer of Credit; the Reliever of Families; the Cheriſher of the Diſtreſſed; and the Great Patron of Tranquility: If he were at the Head of Affairs, there would be no Deficiencies, no Complaints; All would be ſatisfied with him, and their Confidence would be rightly plac'd; for, next to his Majeſty, he would be our Deliverer.

If my Zeal for this Good and Excellent Man, has put me upon enumerating ſome of his Virtues, and great Qualifications for his Country's Service, I hope it will not be reckoned a criminous Zeal; and I do not deſign, by my Praiſes of him, to detract from the Virtues of thoſe Patriots or Miniſters in Power, who do not deſerve it at my Hands.

So careful are the Laws of this Land, of the Honour and Welfare of our King, that let his Miniſters act as they will, no Imperfection, no Injuſtice, no Corruption, no Error, ſhall be adjudg'd in him; and the King can do no Wrong, becauſe he has committed all his Powers to divers Courts, ſome in one Court and ſome in another; all Matters and Proceedings in Law, are diſtributed to the Courts of Juſtice, and the King himſelf doth judge by his Juſtices.

Thus ſtands our Law, in the Lord *Coke*'s Inſtitutes, as to judicial Proceedings: And if, by the Conſtitution of *England*, our King may do no Wrong; and his Miniſters under him, by ſetting themſelves above the Law, might do what is Wrong, and come off with Impunity, (which would make it in the Eyes of ſome Perſons be no Wrong) where would be the Rights and Liberties of the Subject? If this ſhould happen to be the Caſe, every Thing muſt ſuffer and fall to the Ground.

As to Offices in the Government, King *Richard* II. made a Law that no Officer or Miniſter of the King, ſhall be ordain'd for any Gift, Fa-

vour, or Affection; and that all Officers ſhall be choſen out of the beſt and moſt lawful and ſufficient Men. And in the Reign of *Edward* VI. it was enacted that no Offices touching the Adminiſtration, and concerning the King's Treaſures, Revenues, *&c.* ſhall be ſold for any Money or Profit, on Pain of Forfeiture, and other ſevere Penalties.

I NEED not urge theſe Laws to the Underſtandings of Men, who have any Underſtanding; their Uſe ſpeaks for them; and 'twould be happy for this Kingdom if they were ſtrictly in Force. The Sale and Bartering of publick Offices, is a Reproach to him that confers, and thoſe in the Poſſeſſion of any Employment, acquired by theſe Means; and on the contrary, the preferring Men of Merit, with no other Views than the publick Good, is an Honour to both: If a Man is preferred for his Abilities, his Honeſty and Integrity only, the Perſon preferring him has the beſt Aſſurance in the World that he will acquit himſelf to the publick Satisfaction, and for the concurring Good of his King and Country: If a Man is promoted to an Office through Favour, or where that is predominant, and Abilities are wanting, it is reaſonable to expect that ſome Miſconduct muſt, in Time, be objected againſt him: And if a Perſon has the Grant of a Preferment, meerly for Money, nothing (generally ſpeaking) is to be expected from this Man, but that as Money introduc'd him, ſo it will be his principal Aim, during his Continuance in Power; and nothing but Money will ſatisfy him in the Diſcharge of his Truſt, tho' to the utter Ruin of his Fellow-Subjects.

THE

THE important Buſineſs of the State, has never been under a better Oeconomy, than when thoſe Perſons have been entruſted with the Affairs of the Publick, who have been above making Advantages by publick Employments. And according to the Opinion of the great Sir *Edward Coke*, not only the immediate Sale of publick Offices is unlawful, but alſo Grants of them before they become void; for before the Office may fall, the Grantee may be rendered unable to execute the Truſt, and other Inconveniencies may enſue: And this is a Law I may well inſinuate worthy to be obſerved.

I AM alſo to take Notice, that we have not always a due Regard in the Choice of Officers, as to their Age; for tho' Twenty One is the Age of a Man, for the Management of his own private Affairs, there ought to be a Diſtinction between the Government of a Man's Family, and the Buſineſs of a Kingdom: And notwithſtanding ſome Perſons may be able at the Age of Twenty One, to execute Offices of Truſt in the State, yet in general the Knowledge and Wiſdom of Men cannot be ſuppos'd at that Age to be ſo ripe and perfect, as to render them of Ability to do their King and their Country that Service, which when further advanc'd in Years may be expected from them.

A BOY cannot be preſum'd to be fit for a Secretary of State, or a Prime Miniſter; nor can a Univerſity Student, juſt brought from a College, be qualified for Trade; a Cobler is unfit for a Gentleman-Uſher; a Gameſter for a

Man of Buſineſs; a Sharper for a Caſhier; a Coward for a Sea-Captain; and a Ploughman for a Church Dignity; tho' ſome Parſons may be qualified to be Ploughmen. A Mechanick makes but a bad Gentleman; and a Gentleman a worſe Mechanick: A Porter would make but a clumſey Citizen; and tho' a Robber may do well on the Highway, yet he might prove a bad State-Plunderer.

I AM here naturally led to the Character of a Stateſman, odious to the People, and hateful to himſelf. The Character runs thus: He is a Creature train'd up in a Court, and all the Vanities and Luxuries of Life; one by Nature inclin'd to Hypocriſy, and Double-Dealing; one who is cunning and deſigning, never ſpeaks as he thinks, and never thinks as he acts; one that is proud, haughty, and imperious, diſſolute in his Manners, and abandon'd to Honeſty; a Stranger to his Friends, and a Friend to Sharpers; one of a narrow Soul, but in Self-Opinion above all Things; and as Power is his Purſuit, who makes every Thing ſubſervient to it.

THIS is a Character of a great vicious Stateſman, and I hope by no means agreeable to any now in Power: It remains that I ſhould give the oppoſite Character, that of a good Stateſman; but as I have already given ſome Hints on this Head, in my particular Notice of a noble Duke now living, I ſhall inſtead of it inſert a Letter of Advice written by a very Great Man to a Noble Duke long ſince dead, which ſhews the Buſineſs and Duty of a Courtier. It is a *Letter of Advice* to the Duke of *Buckingham*, writ in the Reign of King

King *James* I, by Sir *Francis Bacon*, afterwards Lord *Verulam*, and Viſcount St. *Alban*, on the aforementioned Duke's becoming a Chief Favourite at Court.

" In the firſt place (ſays Sir *Francis* to the " Duke) I ſhall be bold to put you in Mind of " the preſent Condition you are in; you are " not only a Courtier, and in the Eye and Ear " of your Maſter, but you are alſo a Favourite; " the Favourite of the Time; the World hath " ſo voted you, and ſo doth eſteem of you;---- " for Kings and great Princes, even the Wiſeſt " of them, have had their Favourites in all " Ages: Of theſe they make ſeveral Uſes; ſome- " times to communicate and debate their " Thoughts with them, and ripen their " Judgments; ſometimes to eaſe their Cares " by imparting them; and ſometimes to inter- " poſe between themſelves and the Envy or " Malice of the People; (for Kings cannot Err, " that muſt be diſcharg'd upon the Shoulders of " their Miniſters, and they who are neareſt to " them muſt be content to bear the greateſt " Load:) But I do not believe or ſuſpect that " you are choſen to this Eminency, out of the " laſt of theſe Conſiderations; for you ſerve " ſuch a Maſter, who by his Wiſdom and Good- " neſs, is as free from the Malice or Envy of his " Subjects, as I think I may ſay truly, ever any " King was, who hath ſat upon his Throne be- " fore him: But I am confident his Majeſty has " caſt his Eyes upon you, as finding you to be " ſuch as you ſhould be, or hoping to make you " ſuch as he would have you to be; for this I " may ſay, without Flattery, your Outſide pro-

miſeth

" miſeth as much as can be expected from a Gen-
" tleman: Be it in the one Reſpect or the other,
" it belongeth to you to take care of your ſelf,
" and to know well what the Name of a Favou-
" rite ſignifies; if you be choſen upon the for-
" mer Reſpects, you have reaſon to take care of
" your Actions and Deportment, out of Grati-
" tude, for the King's Sake; but if out of the
" latter, you ought to take the greater Care for
" your own Sake.

" You are as a new riſen Star, and the Eyes
" of all Men are upon you; let not your own
" Negligence make you fall like a Meteor. The
" Contemplation of your preſent Condition
" muſt neceſſarily prepare you for Action; what
" time can be well ſpared from Attendance on
" your Maſter, will be taken up by Suitors,
" whom you cannot avoid, nor decline, without
" Reproach; for no Man almoſt who hath to do
" with the King, will think himſelf ſafe, unleſs
" you are his good Angel, and guide him, or,
" at leaſt, that you are not a *Malus Genius*
" againſt him; ſo that, in reſpect of the King
" your Maſter, you muſt be very wary, that you
" give him true Information; and if the Matter
" concern him in his Government, that you do
" not Flatter him; if you do, you are as great
" a Traytor to him, in the Court of Heaven,
" as he that draws his Sword againſt him; and
" in reſpect of the Perſons which ſhall attend
" you, there is nothing will bring you more Ho-
" nour and more Eaſe, than to do them what
" Right in Juſtice you may, and with as much
" Speed as you may; for believe it, next to the
" obtaining of the Suit, a ſpeedy and a gentle

" Denial

" Denial is the moſt acceptable to Suitors; They
" will gain by their Diſpatch; whereas other-
" wiſe they will ſpend their Time and Money
" in attending; and you will gain in the Eaſe
" you will find in being rid of their Importunity.
" But if they obtain what they reaſonably deſi-
" red, they will be doubly bound to you for
" your Favour.

" That you may be able to do this, with
" the beſt Advantage, my humble Advice is,
" that when Suitors come unto you, you ſet
" apart a certain Hour in a Day to give them
" Audience: If the Buſineſs is light and eaſy, it
" may by Word only be delivered, and in a
" Word be anſwered; but if it be either of
" Weight or of Difficulty, direct the Suitor to
" commit it to Writing, and then direct him to
" attend for his Anſwer at a ſet time appoint-
" ed, which ſhould conſtantly be obſerv'd, un-
" leſs ſome Matter of great Moment do inter-
" rupt it; when you have receiv'd the Petitions
" (and it will pleaſe the Petitioners well, to have
" Acceſs to you to deliver them into your own
" Hand) let your Secretary firſt read them,
" and draw Lines under the material Parts there-
" of; the Petitions being thus prepared, do you
" ſet apart an Hour in a Day to peruſe them;
" and after you have rank'd them in ſeveral
" Files, according to the Subject Matter, make
" choice of two or three Friends, whoſe Judg-
" ments and Fidelities you may truſt in a Bu-
" ſineſs of the Nature which is requir'd, and
" recommend it to one or more of them, to
" Inform you of their Opinions, and of their
" Reaſons for or againſt the Granting of it;

" And

" And if the Matter be of Great Weight in-
" deed, then it would not be amiſs to ſend ſe-
" veral Copies of the Petition to ſeveral of your
" Friends, the one not knowing what the other
" doth, and deſire them to return their An-
" ſwers to you, by a certain Time prefix'd in
" Writing; ſo ſhall you receive an impartial
" Anſwer, and by comparing the one with the
" other, you ſhall both Diſcern the Abilities
" and Faithfulneſs of your Friends, and be able
" to give a Judgment thereupon, as an Oracle.
" But by no Means, truſt not to your own Judg-
" ment alone; nor truſt only to your Servants,
" who may miſ-lead you, or miſ-inform you;
" by which they may perhaps gain ſome Pence,
" but the Reproach will lie upon your ſelf, if
" the Buſineſs be not rightly carried.

" For the Facilitating of your Diſpatches,
" my Advice is further, that you divide all the
" Petitions and the Matters therein contain'd,
" under the ſeveral Heads following.

1. Matters that concern Religion and the Church.
2. Matters concerning Juſtice and the Laws.
3. Councellors, and the Councel Table; and the Great Officers of the Kingdom.
4. Foreign Negotiations and Embaſſies.
5. Peace and War, both Foreign and Civil.
6. Trade at Home and Abroad.
7. Collonies and Foreign Plantations.
8. The Court, and Curiality.

The Excellent Advice of this great Man, to this Great Favourite, under the ſeveral Heads

Heads above enumerated, is too long to be inſerted at large in this Treatiſe; but I ſhall here give my Readers, an Inſtructive Abſtract of the moſt material Parts of it.

As to what concerns the *Church*, He adviſes his Court Favourite, to be rightly Settled in the Proteſtant Religion; and deſires him to put his Maſter in Mind, that the Chief of his Titles, is *Defender of the Faith:* He takes notice that the Diſcipline of the Church of *England*, by Biſhops, *&c.* is the fitteſt for Monarchy; And as the Biſhops have the Government of the Church, he adviſes him not to be the Means of their Preferment, for any Self Intereſt, but only for their Abilities, Learning, and Worth. He commends Order and Decency in the Church; and obſerves that Colleges, and Schools, ought to be Encouraged, as the Great Nurſeries of Great Men for Church and State.

In Matters concerning *Juſtice*, he ſays, let the Rule of Juſtice be the Laws of the Land, an impartial Arbiter between the King and the People, and between one Subject and another: And let no Arbitrary Power be intruded. The People of this Kingdom love the Laws thereof, and nothing will Oblige them more, than the Confidence of a free Enjoying them. He adviſes a choice of Learned, Juſt, and Diſcreet Judges, Serjeants, Counſellors, Sheriffs, and other Officers; becauſe the Life of Juſtice, lies in the due Execution of the Laws: He blames interpoſing in any Cauſe, depending in Courts of Judicature: Obſerves that Juſtice and Mercy, are the true

Supports of the Royal Throne; and closes this Head with the Use of Parliaments.

When he speaks of *Counsellors*, at the Council-Table, he takes Notice that they are such as the King, out of a due Consideration of their Worth and Abilities, calls to the Council, in his ordinary Government: He recommends Great Care in the Choice of them; that they be Persons of Trust, and Fidelity, of Wisdom, Judgment, and known Experience in publick Affairs. He advises that no positive Opinion be delivered of a sudden, but with great Deliberation; And that no Resolution should be hastily concluded: If the Business be of Great Weight, he directs the deferring it to a second sitting, lest upon after Thoughts, there should be Occasion to alter it; which is not for the Honour of the Council Board. And he says, that the Honour of a Prince, consists not in his having a Numerous, but a Wise Counsel.

He advises, under the Head of *Foreign Negotiations*, that in Embassies of Congratulation, and Ceremony only, choice must be made of some Noble Person, Eminent in Place, and Able in Purse: But if they concern Affairs of State, a Person must be chosen of known Judgment, Wisdom, and Experience; and not a young Man: And if the Negotiation be concerning Merchandize, such are fit to be employ'd, who are Doctors of the Civil Law, assisted with Merchants. As to Residents, in the Courts of foreign Princes, he says, they should be Men of great Vigilance, Industry, and Discretion; their Care being

ing to give conſtant Intelligence, of all Occurrences to the Secretaries of State.

For Matters of *Peace and War*, he obſerves, that it is not Policy to be over Secure; on the contrary, he adviſes the State to be always prepar'd for an Enemy: He recommends, particularly, the Navy Royal, and Shipping of the Kingdom; the choice of Expert, Able, and Honeſt Commanders; the propogating Naval Stores; the making of Powder, Ammunition, *&c.* And the Encouraging of Sea Men: And to procure theſe, he adviſes Care in the publick Treaſury, that there may be always a Stock fitting and convenient.

In Affairs of *Trade*, he ſays, the Home Trade conſiſts in the Encouragement of Tillage, Huſbandry, and Improvements; the Planting of Hemp and Flax; the Manufactures of Wool, *&c.* The Breeding of Cattle, eſpecially of Horſes; The working of Minerals, of Lead, Iron, Copper, and Tinn; The making of Navigable Rivers and promoting the Fiſhery of *England*: In reſpect to Merchandize, he oppoſes Monopolies, and calls them the Cankers of fair Trading; and obſerves, that the Exports ſhould exceed in Value the Imports; for then the Ballance of Trade muſt of Neceſſity be return'd in Bullion.

As to *Colonies and Plantations* abroad, they are beſt, he takes Notice, when raiſed by the Leave of the King, and not by his Command: He adviſes the Election of Good Governors, and putting the Colonies in a Poſture of Defence; and that they ſhould be near together, in one

Continent, for the better Safety againſt Common Enemies. He encourages the Building of Ships and Forts; Plantings, and Induſtry; but is very much againſt the ſheltering of Thieves, Bankrupts, *&c.*

He laſtly obſerves, ſpeaking of the *Court*, that the King, in his own Perſon, ſhould be Exemplary, *Regis ad Exemplum:* that the Great Men of the Kingdom, ſhould give no cauſe of Scandal: He adviſes Thriftineſs in the Management of the Revenues; allows Pleaſures of Maſques and Revels, for the Court Ladies, and at Feſtival Times; but for the King, and his Nobles, he commends Riding the Great Horſe, Tilting, *&c*, which are Manly Exerciſes. He ſays, Courtiers muſt look both Ways; otherwiſe they are but half Sighted. And concludes, that a publick Miniſter, is in the Quality of a Sentinel; if he ſleeps, or neglects his Charge, he is an undone Man; and he may eaſily Fall, but 'tis hard to Riſe.

Thus much for my Lord *Bacon*'s Advice, which contains in it not only the Duty of a Stateſman, but alſo the whole Scheme of Government. The next Point I am to handle, is that of *Freedom and Slavery*, as to Government.

Liberty is a Right a Man has of Thinking, and Acting, as he pleaſes, without Injuring others; And of Enjoying of the Fruits of his honeſt Labours: It is an abſolute Right in the Diſpoſal of a Man's Self and his Property, within the Bounds of the Law. Slavery is where a Man lives ſubject to, and at the Mercy of another;

ther; without being Maſter of either his own Actions, or his Property.

SLAVERY (ſays *Lock*) is ſo miſerable an Eſtate of Man, and ſo directly oppoſite to the generous Temper and Courage of our Nation, that 'tis hardly to be conceiv'd that an *Engliſhman* ſhould plead for it. But notwithſtanding the Juſtice of this Obſervation, we have Inſtances of Men, who by a criminous Attachment (for ſo I muſt call it) to their Prince, or a ſordid Attachment to themſelves, have not ſcrupled to be Advocates for what is the ſame thing in effect.

SUCH was the Advice to the King, to Levy Taxes, without his Parliament; the raiſing and keeping a Standing Army, in time of Peace; the Suſpenſion of Laws, and many other Grievances laid to the Charge of King *James* II. For which he had the Opinions of Councellors, Judges, and Miniſters of State: A Standing Army, in time of Peace, what does it mean but Slavery? The Levying of Taxes, without the Parliament, is it not againſt the Liberties of the People? And is not alſo the Suſpenſion of Laws; and conſequently Slavery? It is certainly ſo; For that which is not conſiſtent with Liberty, is undoubtedly Slavery.

THESE are ſuch Things, as have already happened in Ages paſt; but I hope will not happen in any future Age. And if a King of *England*, by Management of his Miniſters, or otherwiſe, could pick out a Parliament, that, in Expectation of Titles, Honours, Places, or thro' other Self-Views, would be ſo very obſequious and

and obedient to his Will, as to Enact any Law or Statute he ſhould propoſe to them, it would amount to the very ſame thing as abſolute Sovereignty: Our Parliaments being the only Check to Arbitrary Power.

THE Liberties of the People of *England*, are chiefly maintain'd by Trials by Juries, and Elections of Members of Parliament: And may not our Jurors, and Electors, be Corrupted? If a Majority of theſe may be bought; may not our Lives, our Fortunes, and our Liberty be ſold? And tho' our own Corruptions, may work this Miſery; yet, I am ſorry I can ſay it, Perſons of the vileſt Inclinations, are not without Superiors for Examples.

BRIBERY, Perjury, and the extraordinary Uſe, or Non-uſe of National Laws, (for we may as well be without Laws, as to have them and not Execute them) in a Kingdom of Liberty, may they not, in time, turn Freedom to Slavery? Or by them, may not what we call Freedom and Slavery, be made much the ſame thing? I think it is evident they may.

WE have Laws againſt the Compounding of Felony, yet Felonies are Compounded; we have Laws for the Encouragement of Informers, but Informers are not Encouraged; we have many Penal Statutes, and but few Proſecutions; we have Oaths and Affirmations, but they are ſlightly obſerv'd: And how can Liberty, which is a thorough Safety in Society, as well as Freedom from abſolute Power, be long ſupported under theſe Circumſtances?

PER-

PERJURY, or Swearing falſly, by our Laws, only incurs a Puniſhment by Fine, Impriſonment, Pillory, *&c.* The Statute of Queen *Elizabeth* Enacts, that if any Perſon ſhall give falſe Teſtimony in a Court of Record, concerning Lands or Goods, he ſhall forfeit 20*l.* ſuffer ſix Months Impriſonment, and be diſabled for the future to be a Witneſs; and if he hath not ſufficient to diſcharge the Fine, he ſhall be ſet on the Pillory. And if any Perſon ſhall Suborn an Evidence to give Teſtimony in any Cauſe, he is to forfeit 40*l.* And (if he hath not wherewith to ſatisfy the Forfeiture) he ſhall be Impriſon'd ſix Months, and ſuffer the Ignominy of the Pillory.

THIS is the Law, as it now ſtands, relating to Perjury; and is by no Means adequate to the Crime. An Oath, being the only Tie, and Security we have, as to our Lives and Eſtates, it would be moſt Juſt and Equitable, if this Crime of Perjury, were more ſeverely Puniſh'd: Where a Man's Life would be loſt, by the Teſtimony of falſe Evidence, the Perſon guilty of it ſhould be Puniſh'd with Death: And if a Man, that by Perjury would deprive me of my Poſſeſſions, if he were not detected, were puniſh'd on his Detection, with Confiſcation of his Eſtate, this would be no more than the Merit of his Offence. If a Man's Life and Fortune are always in Danger (as in caſe of Perjury) what will his Liberty avail him?

I COULD here enumerate ſome of our Laws and Statutes againſt Bribery, but they have been ſo ſeldom put in Force, in our late Reigns, that they

they ſeem to be in a great meaſure obſolete: But this I muſt obſerve, that Bribery by the Laws Abroad is, in ſome Caſes, puniſh'd with Death; and it is ſo very obnoxious, that no Magiſtrate or Officers of the State are permitted to accept of a Preſent when their Offices are determin'd; and Preſents to their Wives, or their Servants, are upon all Occaſions conſtrued Preſents to them. I wiſh this Law took Place in this Kingdom, as it would be a moſt Righteous Law: And I take it, nothing is a greater Enemy to Liberty, than Bribery.

I SHALL ſum up what I have ſaid, concerning Freedom and Slavery, and what is attendant upon them, with obſerving, That 'till Bribery and Perjury are puniſh'd more ſeverely; 'till Informers meet with a due Encouragement, and are held in Eſteem, inſtead of being deſpis'd; and 'till our Laws are Executed as they ought, and not perverted, I cannot foreſee how we can reaſonably expect to maintain that Freedom in Government, this Nation has been famous for, and to which alone it has owed its Grandeur. But when theſe Things will happen, is very uncertain; I fear 'twill be long firſt; but, 'till then, I may venture to ſay our Freedom may poſſibly be in Danger.

I NOW proceed to my laſt Head, *The Parliament of England*, and the Frequency of *Britiſh* Parliaments.

THE Lords and Commons of the Parliament of *Great Britain*, have a great Share in the Government of the Kingdom; for 'tis they which make

make and prepare our Laws, and the King (at their Head) Approves them, and puts them in Execution. All Acts of Parliament muſt have the Conſent of the Lords and Commons, and the Royal Aſſent, before they have the Force of a Law: And by theſe Acts the Authority of Parliaments is originally ſettled.

As to the Antiquity of the Houſe of Commons, our Authors very much vary: *Polydore Virgil*, *Hollinſhead*, and *Speed*, mention that the Commons were firſt ſummon'd at a Parliament at *Salisbury*, *Anno* 16 *Hen.* I. Sir *Walter Raleigh* thinks it was 18 *Hen.* I. And my Lord Chancellor *Bacon*, in a Letter to the Duke of *Buckingham*, asks, where were the Commons before the Reign of *Hen.* I. which plainly implies his Opinion of their being a Houſe of Commons at that Time: But Dr. *Heylin* finds another Beginning for them, *viz.* in the Reign of King *Hen.* II. And many are of Opinion, that the Houſe of Commons began not to be admitted as a Part of Parliament, until 49 *Hen.* III. the firſt Writ of Summons of Knights, Citizens, and Burgeſſes, being of no antienter Date than that Time.

And yet ſome Authors tell us, that *William* the Conqueror call'd ſeveral Parliaments, wherein it appears that the Freemen or Commons of *England* were there, and had a Share in the Enacting of Laws. In the 14th Year of this King, at a General Council or Parliament, the King by his Charter confirm'd the Liberties of the Church: And by Settling the High Court of Parliament, he Eſtabliſh'd his Throne. Sir *John Doddridge* ſays, There was a Parliament before there

were any Barons. And if the Commons do not appear, there can be no Parliament, tho' all the Great Peers be preſent with the King; for the Knights, Citizens, and Burgeſſes Repreſent the whole Commons of *England*, but the Peers are only Preſent for themſelves and none others.

THE Parliament of *England* is the higheſt Court of Judicature: It makes, enlarges, diminiſhes, abrogates, repeals, and revives Laws, Statutes, Acts, and Ordinances concerning Matters Eccleſiaſtical, Capital, Criminal, Common, Civil, Martial, Maritime, *&c.* It has an unlimited Juriſdiction; for its Power cannot be reſtrain'd, as to Cauſes or Perſons, within any Bounds: But in a more confin'd Senſe, the Authority of Parliaments conſiſts in tranſacting Matters which relate to the King, the State of the Kingdom, the Defence of the Kingdom, the State of the Church, and the Defence of the ſame Church.

A PARLIAMENT cannot begin without the Preſence of the King, either in Perſon, or by Repreſentation: And by Repreſentation two Ways, either by a Guardian of *England* by Letters Patent, when the King is out of the Realm; or by Commiſſion to certain Noble Lords, when his Majeſty is at Home, as in Caſe of Indiſpoſition, or the like. If a Parliament is to be holden before a Guardian of the Realm, it muſt be by Special Commiſſion; and the *Teſte* of the Writ of Summons is to be in the Guardian's Name.

OUR Hiſtories mention ſeveral Parliaments in Antient Times held before Guardians, and other

ther Repreſentatives of the Royal Perſon. *Anno* 28 *Eliz.* the Queen, by her Commiſſion under the Great Seal, reciting that for urgent Reaſons ſhe could not be preſent in her Royal Perſon, did Authorize Archbiſhop *Whitgift*, the Lord Treaſurer *Burleigh*, and *Henry* Earl of *Derby*, to hold a Parliament----- *Ad faciendum omnia & ſingula*, &c. *necnon ad Parliamentum adjornand. & prorogand.* &c. And in the upper Part of the Page, above the Beginning of the Commiſſion, was written, *Domina Regina repreſentatur per Commiſſionarios*, &c. The Commiſſioners ſeated themſelves on a Form before the Cloth of State, and after the Commiſſion was read, the Parliament proceeded to diſpatch Buſineſs.

PARLIAMENTS are ſummoned by the Advice of the Privy Council; and the Summons of Parliament is by Forty Days, or above, before the Sitting. The Writ of Election of Members, runs thus:

REX Vic. Somerſet Salutem. Quia de Adviſamento & Aſſenſu Conſilii noſtri, quibuſdam arduis & urgentibus Negotiis Nos, Statum, & Defenſionem Regni noſtri Angliæ & Eccleſiæ Anglicanæ concernent, quoddam Parliamentum noſtrum apud Civitatem noſtram Weſtmonaſterium die, &c. *prox. futur. teneri ordinavimus, & ibidem cum Prælatis, Magnatibus, & Proceribus dicti Regni noſtri colloquium habere & tractare tibi præcipimus, firmiter injungentes quod factâ Proclamatione in prox. Com. tuo poſt receptionem hujus Brevis noſtri Tenend. die & loco prædicto, duos Milites gladiis cinctos magis idoneos & diſcretos cum prædict.* &c. *Et Electionem illam in pleno Com. tuo factam diſtincte & aperte ſub Sigillo tuo & Sigil-*

lis eorum qui Electioni illi interfuerunt, nobis in Cancellariam noſtram ad dictum diem & locum Certifices indilate. Teſte me ipſo, &c.

THIS Summons is for the Electing Knights of the Shire. By antient Statutes, Knights of the Shire are to be Reſident in the County for which they are choſen; they muſt be Notable Knights of the ſame County; Notable Eſquires, or Gentlemen: And by a late Statute, no Perſon ſhall be Qualified to ſerve in Parliament as a Knight of the Shire, who hath not an Eſtate of Freehold or Copyhold for Life, or ſome greater Eſtate, of 600 *l. per Annum*, over and above all Incumbrances; and a Citizen and Burgeſs 300 *l. per Annum*, of which Oath is to be made, at the Requeſt of a Candidate, or two other Perſons having a Right to Vote.

CANDIDATES are to be alſo Twenty One Years of Age: And the Manner of Electing Knights of Shires, (by Stat. 7. *Hen.* IV.) is to be as follows: At the next County Court, held by the Sheriff of the County, after the Delivery of the Writ, Proclamation muſt be made of the Time and Place when and where the Parliament is to aſſemble; and that all that are there preſent are to proceed to the Electing of Knights of the Shire; whereupon in full County a free and indifferent Election is to be made. After the Choice is over, the Names of the Parties choſen, are to be written in an Indenture under the Seals of the Electors; which Indenture ſo Seal'd, and tack'd to the Writ, ſhall be the Sheriff's Return and Execution of the ſaid Writ.

THE

THE next Law relating to Elections, was made in the Twenty Third Year of *Hen.* VI. By which Sheriffs, after the Receipt of the Writs for Electing Members of Parliament, are required to deliver a Precept under Seal to every Mayor, or Bailiff where there is no Mayor, of Cities and Boroughs within the County, reciting the Writ, and commanding them, if it be a City, to chuſe by the Citizens of the ſame City, Citizens, and if a Borough, Burgeſſes, to come to Parliament; and ſuch Head Officers are to make lawful Returns of the Precepts to the ſame Sheriffs by Indenture betwixt them, with the Names of the Citizens and Burgeſſes choſen; and thereupon the Sheriffs muſt make their Returns of the Writs, with the Returns of the Head Officers annex'd.

IF any Sheriff acts contrary to this Law, or any other formerly made for the Election of Knights, Citizens and Burgeſſes, he ſhall forfeit 100 *l.* to the Perſon choſen, not duly Return'd, (and 100 *l.* to the King, by 8. *Hen.* VI.) And if any Head Officer of a City or Borough make a Falſe Return, he is to forfeit 40 *l.* to the King, and 40 *l.* to the Perſon ſo choſen, and not Return'd; to be recover'd by Action of Debt, againſt the Sheriff or ſuch Head Officers, by the Perſon Elected, or in his Default, by any other Proſecutor, who will ſue for the ſame.

THE Election of Knights of the Shire, *&c.* is to be made between the Hours of Eight and Eleven in the Forenoon; and if the Sheriff doth not make a due Election of Knights between

thoſe Hours, and a good and true Return as above directed, he ſhall incur a Forfeiture of 100 *l.* to the King, and as much to any as will proſecute for the ſame. And if any Knight, Citizen, or Burgeſs lawfully return'd be put out, and another put in his place, the Perſon ſo put in, if he takes his place accordingly, ſhall alſo forfeit 100*l.* to the King, and the like Sum to the Perſon put out, who is to bring his Action within three Months after the Beginning of the Parliament.

THESE are the ancient Statutes directing the Elections of Knights of Shires and Burgeſſes of Parliament; And in the 7th and 8th Years of King *William*, it was Ordained, that when any new Parliament ſhall at any time hereafter be called, the Lord Chancellor, *&c.* is to Iſſue out Writs for Election of Members of Parliament, with as much Expedition as may be; and the Writs thus Iſſued are to be delivered to the proper Officers, whoſe Buſineſs it is to Indorſe the Day of Receipt on the Back of the Writs, and forthwith make out the Precepts to each Borough, *&c.* And within Three Days, deliver ſuch Precepts to the Officers of ſuch Boroughs, *&c.* where Election is to be made; who are alſo to Indorſe the Day of their Receipt, and having immediately cauſed publick Notice to be given of the Time and Place of Election, are to make the Election within Eight Days. For Knights of the Shire, the Sheriff is to hold his County Court at the moſt publick and uſual Place, and there proceed in the Election; which is to be made at the next County Court (according to the Direction of the former Statutes) unleſs ſuch Court

Court happen to fall out within Six Days after the Receipt of the Writ, and then the ſame is to be adjourn'd, giving Ten Days Notice of the Election. When the Electors are Aſſembled, if the Election be not Determin'd on View, but a Poll is demanded, the Sheriff muſt at his Peril take the ſame; (nor can he deny a Scrutiny) The Clerks for the Poll are to be Sworn; and likewiſe the Freeholders, as to their Qualifications, if the ſame be inſiſted upon by either of the Candidates: No unneceſſary Adjournment is to be made, but the Poll is to proceed; every Sheriff, Mayor, *&c.* is to Deliver a Copy of the Poll to any Perſon requeſting it (who will pay for the ſame) And every ſuch Officer who ſhall be guilty of any wilful Offence, contrary to this Law, ſhall forfeit 500*l.* to the Party agrieved.

THE Sheriff and other returning Officers, having the Execution of Writs of Summons to Parliament, are on or before the Day of Meeting of the Parliament, and with all Expedition (not exceeding fourteen Days after Election) to make Returns to the Clerk of the Crown in Chancery, to be filed on pain of forfeiting 500*l.* All Falſe Returns wilfully made of any Knight of the Shire, Citizen, Burgeſs, or other Member to ſerve in Parliament are againſt Law and prohibited: And if any Perſon ſhall return a Member to ſerve in Parliament, for any place contrary to the Determination in the Houſe of Commons of the Right of Election for ſuch place, the Return ſo made ſhall be adjudg'd a falſe Return: The Party making it is liable to Proſecution, and double Damages with Coſts ſhall be recovered againſt him. If any Officer ſhall wilfully, falſly

falſly and malicioufly return more Perſons than are required to be choſen by the Writ or Precept, the like Remedy may be had againſt him, and the Party or Parties that Procure the ſame. And all Contracts, Promiſes, Bonds, *&c.* made or given to procure any Return of a Member of Parliament, ſhall be adjudged void; and the Makers of ſuch Contracts, *&c.* and Giver of Gifts or Rewards to procure ſuch Falſe or double Return, ſhall forfeit 300*l.* One third part thereof to the Informer, another to the King, and the other to the poor of the place.

No Fee, Gratuity or Reward whatſoever is to be given, paid, receiv'd, or taken by any Sheriff, Under-Sheriff, Mayor, Bailiff, Conſtable, or other Officer of any County, City, Town, or Place for making out, Receipt, Delivery, Return or Execution of any Writ or Precept for Elections of Members of Parliament. And no Perſon to be Elected to ſerve in Parliament for any County, City, Town, Borough, or Place, within *England* or *Wales*, ſhall after the *Teſte* of the Writ of Summons, or iſſuing out or ordering of the Writ, or after any place becomes vacant during the time of the Parliament, by himſelf or by any other Ways or Means on his Behalf, or at his Charge, before his Election for any County, City, Town, *&c.* directly or indirectly Give, or allow to any Perſon or Perſons having a Voice or Vote for ſuch Election, any Money, Meat, Drink, Entertainment or Proviſion; or make any Preſent, Gift, Reward, Promiſe, Agreement, Obligation or Engagement, to give or allow any Money, Meat, Drink, *&c.* to or for any ſuch Perſon or Perſons; or to any ſuch

County,

County, City, Town, or Place in general, or to ..r for their Uſe, Benefit and Advantage, in ord..r to be or for being Elected to ſerve in Parliament. And every Perſon or Perſons ſo doing, ſhall be diſabled and incapacitated on ſuch Election to ſerve in Parliament; be adjudged no Member thereof, and ſhall not Act, Sit, or have any Vote, but be as if never Return'd or Elected.

THE aforementioned are the chief of our Laws, concerning Elections of Members of Parliament; and how well they are executed, I will leave to the Determination of every diſcerning impartial Perſon: only I beg Leave to obſerve, that there is not an Election made in this Kingdom without either Double or Falſe Returns, or without the treating of Electors, by Candidates or their Agents, after the iſſuing of the Writs, and yet I do not remember that the Penalties and Incapacities for either of theſe Offences, have been often if once Levied, or that they ever took place: So are our Laws, and ſo are they executed.

A GREAT deal of Miſchief has always attended double and falſe Returns: They have not only juſtly ſet the Candidates at Variance, but have made very great Conteſts throughout a whole Country; from whence, Rioting, and publick Violence have enſued. It is againſt Liberty; it is againſt Juſtice; and againſt the Laws of the Land, that theſe ſhould be permitted; and yet one would ſometimes imagine the Returning Officers make Elections, and not the Freeholders or other Electors.

I KNOW more Members than one or two, (I do not ſpeak it in favour of a Party) who have at Elections paſt been legally Choſen, to the beſt of their Underſtanding, to ſerve in Parliament for two Boroughs of this Kingdom, but who have been ejected from both: For one Place they were obliged to Petition, and for the other they were Petition'd againſt; but their Adverſaries ſucceeded, and they fail'd. What has this been owing to, but to double and falſe Returns? For I do not preſume to impeach the Wiſdom or Juſtice of our Legiſlators; becauſe I take it, as to what they do, they are not to be Impeach'd.

I HAVE often admir'd what any Gentleman can propoſe to himſelf, by being at the Expence of One Thouſand Pounds, to be Elected for a Borough, or ſmall Corporation, or indeed any Place: I have been well inform'd ſome have given Two: Can they do this with no other View than the Service of their Country; the Anſwer to it may be, No? Can they do it with an Intention of ſerving ſuch Borough only, it may be anſwered, No? It is inconſiſtent: Can it be for any Honour to themſelves, or their Families, No? For it is unlawful, and what is unlawful cannot be Honourable. Why what can it mean then? The Anſwer is plain; It can mean nothing elſe but Self-Intereſt, in the Management of Affairs, of which we are ignorant, or the purſuit of Places and publick Preferments.

I HOPE no Member of Parliament, or others will think me unjuſt in the Reflections I have made, deſign'd for the good of my Country: I ſhould

I ſhould rejoice to ſee our powerful Repreſentatives in Parliament always ſhine with Honour, with Honeſty, and Zeal for the publick Welfare: To ſee them always above the Power of Corruption; to ſee them great in themſelves, and Examples to Poſterity; ſuch Examples as may ſhew to future Times, this Age has not been without the greateſt Patriots; and that King *George*'s Reign, notwithſtanding the fatal *South Sea* Scheme, has not been leſs Glorious than that of any of his Anceſtors.

My next Thing to be conſidered, and which finiſhes my Eſſay, is the *Frequency of Parliaments*, and its Uſe to the Subject.

Before the Conqueſt, by the Conſtitution of *England*, Parliaments were to be held twice in every Year: King *Edward* I. Enacted, that a Parliament ſhould be holden once a Year, and oftner if there was occaſion: *Edward* III. Ordain'd, that a Parliament ſhould be holden every Year: Some other of our ancient Kings have held their Parliaments once in two Years: By Stat. 16 Car. 2 it was Enacted, that the ſitting and holding of Parliaments ſhould not be intermitted or diſcontinu'd above three Years: And by a Statute made in the Reign of King *William*, the Parliament of *England* was to be holden once in three Years at the leaſt; and it was declar'd, that from thenceforth no Parliament whatſoever ſhould have any Continuance longer than for three Years, at the fartheſt; to be accounted from the Day of Meeting appointed by the Writs. But this is alter'd by a Statute made in

the preſent Reign, which enlarges the continuance of Parliaments to ſeven Years.

By this, it appears, that frequent Parliaments have been the Conſtitution of *England:* And an Opinion, frequently urg'd in ſome Converſations, that the frequency of Parliaments, and often calling of New Parliaments, was not a part of our Conſtitution till the Time of King *William*, will be ſufficiently confuted, when we conſider that the Parliaments of *England* in the moſt antient Times, when they often met, were ſeldom if ever twice the ſame Parliament: On every Aſſembly of Parliament there was a Writ or a Royal Summons, either to Elect or Send up ſuch and ſuch Perſons to meet in the Senate, for the Diſpatch of Weighty Affairs.

Our Parliaments were formerly *Annual*, ſince they have been *Triennial*, and ſince that *Septennial*. I ſhall not make any Obſervations on the Septennial Act, it being a Law made by a Great Body of People, upon an extraordinary Occaſion: but this I will ſay of Parliaments in general, that the Buſineſs of the publick has always been well done by our ſhort Parliaments; but not always ſo when our Parliaments have been long.

For this I think I need not give any extraordinary Inſtances; They are within the Memory of Man: But let us conſider and examine a little into the Cauſes of it. If a Parliament is of but a ſhort Duration, the great Opportunities of private Advantages, of Places and Preferments, are then but few, and likewiſe of a ſhort Conti-

Continuance: In Parliaments that are ſhort, they have not time for extraordinary Matters; the uſual and ordinary Buſineſs, and no more, is tranſacted, and this is generally for the publick Benefit. Now long Parliaments, have a contrary Tendency: A Perſon may certainly do more in ſeven Years Space, than in three Years; and do more in three Years, than in one Year: Tho' to this may be anſwer'd, he may do Good as well as Ill; But what Aſſurance can we have of the former? If a Parliament ſits long, it may do much, and much may be hurtful; If a Parliament ſits ſhort, and a little while only, a little only may in ſuch Caſe be done; and this little may be for the publick Welfare.

If therefore, long Parliaments may be and have been Hurtful, and ſhort Parliaments may be and have been Beneficial; and frequent Parliaments are a fundamental Right of our Conſtitution, I hope none will be diſpleas'd at me, for that I am an Advocate for Parliaments of a ſhort Duration: Beſides, there is this Conſideration to be further applied; For ſhort Parliaments it cannot be worth any Member's While to ſpend his Money, and exhauſt his Subſtance, as it poſſibly may for a Parliament of Length: No Man ſurely would give the ſame Sum to be Elected for three Years as for ſeven Years: And as the Liberty of the Subject would be always ſafeſt where the leaſt Sums of Money are expended in Elections, I muſt own I prefer a *Triennial* Parliament to a *Septennial* One, and an *Annual* Parliament to a *Triennial* One.

But here it may be objected, that if our Parliaments were Annual, as they have been in former Times, the Number of Members being much enlarg'd, (which may be reaſonably conjectur'd) the Trouble of our Elections would be endleſs; and conſequently diſcouraging to many honeſt Gentlemen, who otherwiſe might ſet up for Members: But to this, it may be juſtly replied, if our Elections were free by the People, without any Intereſt made either by Candidates, or others, according to the Intention of our Conſtitutional Laws, the Trouble would not then be very conſiderable to the Members elected; and as to the Electors, it would be little more than the Going to a Fair or Market, once a Year, for a very few Days or a Week at moſt: Tho' if what I offer on this Head, ſhould not be convenient to the People, I cannot, notwithſtanding, ſee what Reaſon can be given why the Triennial Law ſhould not be Reviv'd.

I Hope the preſent Houſe of Commons will endeavour to leave the Conſtitution of *England*, and the Liberties of the People thereof, as they firſt found them, or as near the ſame as poſſibly may be; which 'tis humbly preſumed they cannot do unleſs they Repeal the Septennial Act, and Revive the Triennial: It is what the People expect at their Hands; and what in common Converſation they eſteem no more than common Juſtice:

Tho' the Body of the People may Err in their Sentiments, 'tis very ſeldom that they do ſo: They may Err in this; and be very wrong in

in ſo much as ſuſpecting the preſent Parliament; but thoſe wary Perſons who did not expect the Parliament would have been prolong'd four Years ago, are ſtill apprehenſive it may be further continued; And this is the more terrible to them, on Account of Reports, induſtriouſly ſpread, as if the Parliament now in Being had ſtill a Right by a legal Conſtruction, or by an Explanatory Clauſe, of the Septennial Bill, to ſit three Years longer from the preſent time.

THE Great Confuſions which would probably follow, by any Conſtruction to lengthen the Parliament, I hope are duly and thoroughly weighed by his moſt ſacred Majeſty, and his great Councils: They are too Obvious not to be ſeen; and too Great not to be prevented. And admitting there is Room by a Conſtruction of Law, to extend this Parliament to three Years farther, I would willingly ask this ſingle Queſtion, whether or no it would not then be a *Decennial* Parliament, as they have already ſit out the Time of the Septennial Law.

IF the preſent Parliament be conſtrued a Parliament from its firſt Sitting, as I think it muſt, no ſuch Conſtruction can be made: If this Parliament be conſtrued a Parliament only from the Time of the paſſing the Septennial Law, (with reſpect to that Bill,) there is then indeed ſomething to be ſaid for this Conſtruction; But I take it that cannot be, unleſs the Parliament make themſelves: So that, in my humble Opinion, an Attempt to lengthen the preſent Parliament, would be a raſh if not dangerous Attempt; becauſe it might foment Jealouſies, Diſtruſts, and Tumults,

Tumults, at a Time we have need of the moſt healing and gentle Management in the Affairs of the Publick.

To continue the Parliament would be look'd upon as a Step to Perpetuity: The People in general would expect that the Parliament is made for Life: And what Conſequences might follow from thence, are eaſy to be gueſs'd. I am, like a true and honeſt Briton, for Eaſe and Quiet; I am an Enemy to Parties, to Riots, and popular Tumults; And for all Meaſures neceſſary to promote the one, and ſuppreſs the other. The eaſing the Minds of the People may be effected by granting them a new Parliament; and as it is of the greateſt Conſequence in any Government, I cannot think it will be denied to the Subjects of this Kingdom.

The Welfare of the Publick, and Publick Liberty, are founded upon frequent Parliaments; the Liberty of the Subject is ſupported by them: For a Parliament choſen by the Anceſtors of a People, is not the Parliament of the People living, (which may be the Caſe as to long Parliaments, for Members may be Young, and Electors Old) It is a Parliament made by others, and which they have no Hand in; It is a Parliament that may act againſt them, becauſe Intereſts in time may vary: And excluſive of all theſe, 'tis againſt the Liberty of the People of *England*, becauſe it is againſt the Conſtitution of *England*.

From all this, it may be reaſonably expected, that we ſhall have a New Parliament, ſpeedily call'd; And I hope in the Choice of it, it will

will be remembred that Violating the Freedom of Elections, was one of the Objections to the Conduct of King *James* II. in the Declaration of the Rights and Liberties of the Subject.

The LAWS *relating to Electors of Members of Parliament, as to their* Qualifications, *&c. With Obſervations upon them.*

SINCE after what has been ſaid, we may expect to have a New Parliament, it may not be amiſs to take ſome Notice of our Laws relating to Electors, particularly as to their Qualifications; which will ſhew the Extent of the Liberty of the People of *England* on that Head.

THE Statute 8 *Hen.* 6. Ordains that the Election of Knights of the Shire, ſhall be made by a Majority of Voices of People dwelling in the County, having each of them Lands or Tenements of the Value of 40*s. per Annum*, above Repriſes. The Sheriff is empower'd to examine the Electors upon Oath, how much they expend by the Year: And he that cannot expend 40*s per Annum*, is to have no Voice in the Election of Knights for the Parliament.

THIS is the first Law that was made concerning the Qualification of Electors of Knights of the Shire: And *Anno* 10 *H.* 6. it was enacted, that a Chuser of Knights of Parliament, shall have 40 *s. per Annum* Freehold, besides Repriſes, within the County; and be also resident in the same County. Before these Statutes, I do not find that any certain Estate was requir'd to qualify Electors; for the *Stat.* 7 *H.* 4. mentions that all present after Proclamation made by the Sheriff in the County Court, as well Suitors summoned as otherwise, are to proceed to Election of Knights; without expressing their Estates; tho', I take it, they were always to have some Estate.

BY these Laws, Men of very mean Substance, have the great Privilege of Electing Knights of the Shire: Their only Qualification is a Freehold of 40 *s. per Annum*: But they many of them expect a much greater Revenue than the Income of their Estates, before they will venture to open their Mouths, in any one's Favour: And if they thus Sell their Voices, I would fain ask them whether they may not one time or other Sell themselves: An honest Gentleman will not Bribe them; and others Bribe them for Interest only. This, I think, I have already prov'd, in the preceding Pages: And, I fear, by means of this kind, there is still some Danger that our Parliaments may be worse.

IN Cities and Boroughs, the Right of Election is either in the Mayors and Corporation, or the Free-men and Commonalty. Many Boroughs have particular Customs; and where, by such Customs,

Cuſtoms, the Right of Elections is in the Hands of Poor People, there we too frequently ſee the Effects of Bribery: From hence is our greateſt Danger. But, to proceed to our Laws relating to Electors; by Stat. 7, & 8 *W.* 3. No Perſon, under the Age of Twenty one Years, ſhall be admitted to Vote in the Election of any Member to ſerve in Parliament. Electors of Knights of Shires are to take an Oath, teſtifying their Qualifications; and taking it falſely to be guilty of Perjury. The Oath runs thus:

YOU ſhall ſwear that you are a Freeholder of the County of Somerſet, *&c. and have Free-hold Lands or Hereditaments of the Yearly Value of* 40s. *lying at,* &c. *within the ſaid County of* Somerſet; *and that you have not been before Polled at this Election.*

So help you God.

No Perſon ſhall be allowed to have any Vote in Election of Members to ſerve in Parliament, for or by Reaſon of any Truſt or Mortgage, unleſs the Truſtee or Mortgagee, be in actual Poſſeſſion, or Receive the Rents and Profits of the Eſtate; But the Mortgagor, or *Ceſtui que Truſt* in Poſſeſſion, ſhall and may Vote for the ſame Eſtate. And all Conveyances of Lands, Tenements, and Hereditaments in any County, City, Town-Corporate, or Place, in order to Multiply Votes, or ſplit and divide the Intereſt in any Houſes or Lands, among ſeveral Perſons, to enable them to Vote at Elections of Members, ſhall be void and of none Effect; and no more than one Vote ſhall be admitted for one and the ſame Houſe and Tenement.

THIS Statute makes a very good Proviſion againſt the Multiplying of Votes at Elections; I wiſh it were well obſerved; If it were, I am pretty confident we ſhould not have ſo many Voters at our Elections of Knights of the Shires as we generally meet with.

THE next Law I ſhall take notice of, is the Ordinance: Or Statute 10 *Ann.* which Enacts that no Perſon ſhall have a Voice for Electing Knights of the Shire in Right of any Lands, who has not been Charged or Aſſeſſed to the publick Taxes, Church Rates, and Pariſh Duties, at 40 *s. per Annum*, and in proportion to other Lands and Tenements of 40 *s. per Annum*, lying within the ſame Pariſh; and for which he ſhall not have Receiv'd the Rents and Profits, or be entituled to have Receiv'd the ſame to the full Value of 40 *s.* or more, to his own Uſe, for one Year before the Election; (unleſs it be in caſe of Lands or Tenements that come by Deſcent, Marriage, Deviſe, Preſentation to ſome Church or Promotion to an Office, to which a Free-hold is annexed) And if any Perſon ſhall Vote contrary to this Law he ſhall forfeit 40 *l.*

ALL Eſtates and Conveyances made to any Perſon in a fraudulent manner, on purpoſe to qualify him to Vote, ſubject to Conditions to Defeat or Determine ſuch Eſtate, or to Reconvey the ſame, ſhall be taken againſt the Perſons Executing ſuch Conveyance as free and abſolute; and all Bonds, *&c.* for Redemption are to be void: And further, the Perſons voting by Colour of ſuch Conveyance ſhall forfeit 40 *l.*

If theſe Laws were ſtrictly put in execution, or indeed ever executed as they ought, the Freedom of Elections, which is one of the beſt parts of our Conſtitution, would be better maintained than it has been of late Years. We have too often conditional Eſtates, granted to ſerve a Purpoſe; 'tis to be fear'd, there are few Elections of Knights of the Shire, where the Candidates are very Buſy, but there is ſome Management of this kind; to the Shame and Infamy of the Electors and Elected.

The Statute 1 *Geo.* which requires Officers in the Government, Eccleſiaſtical Perſons, Members of Parliament, Lawyers, *&c.* to take the *Oaths* of Allegiance, Supremacy, and Abjuration, under certain Penalties and Diſabilities, extends to Electors of Members of Parliament; for Perſons refuſing the Oaths, are declared incapable to Vote at any Election for Members of Parliament. So that taking the Oaths, is a part of the Qualification of Electors, if the ſame be inſiſted upon: And by former Laws, Quakers are admitted to Vote, declaring the Effect of the Oath of Abjuration, *&c.*

Now as theſe Oaths are often tendered to Electors at Elections, let us examine a little into the Nature of them; which is beſt done by inſerting them at large; becauſe thereby the Reader can beſt judge of their Uſe: For this Reaſon, the Oaths of Allegiance, Supremacy, and Abjuration, *&c.* are here ſet down.

The OATH *of* Allegiance.

" I *A. B.* do ſincerely Promiſe and Swear,
" that I will be Faithful, and bear true Alliegi-
" ance to his Majeſty King *George*.

So help me God.

The OATH *of* Supremacy.

" I *A B.* do ſwear, That I do from my Heart
" Abhor, Deteſt and Abjure, as Impious and
" Heretical, that damnable Doctrine and Poſi-
" tion, that Princes Excommunicated or De-
" priv'd by the Pope, or any Authority of the
" See of *Rome*, may be Depoſed or Murdered by
" their Subjects, or any other whatſoever. And
" I do declare, that no Foreign Prince, Perſon,
" Prelate, State, or Potentate, hath, or ought
" to have any Juriſdiction, Power, Superiority,
" Pre-eminence, or Authority, Eccleſiaſtical or
" Spiritual, within this Realm.

So help me God.

The OATH *of* Abjuration.

" I *A. B.* do truly and ſincerely acknowledge,
" Profeſs, Teſtify and Declare in my Conſci-
" ence, before God and the World, that our
" Sovereign Lord King *George* is Lawful and
" Rightful King of this Realm, and all other the
" Dominions and Countries thereunto belong-
" ing. And I do ſolemnly and ſincerely declare,
" that I do believe in my Conſcience, that the
" Perſon pretended to be Prince of *Wales*, during
" the Life of the late K. *James* II. and ſince his De-
" ceaſe,

" ceaſe, pretending to be, and taking upon
" himſelf the Stile and Title of King of *England*,
" by the Name of *James* III. or of *Scotland* by the
" Name of *James* VIII. or the Stile and Title of
" King of *Great Brittain*, hath not any Right or
" Title whatſoever to the Crown of this Realm,
" or any other the Dominions thereunto be-
" longing: And I do Renounce, Refuſe, and
" Abjure any Allegiance or Obedience to him.
" And I do ſwear that I will bear Faith and true
" Allegiance to his Majeſty King *George*, and
" him will Defend to the utmoſt of my Power,
" againſt all Traiterous Conſpiracies and At-
" tempts whatſoever, which ſhall be made
" againſt his Perſon, Crown, or Dignity. And
" I will do my utmoſt Endeavours to diſcloſe and
" make known to his Majeſty, and his Succeſ-
" ſors, all Treaſons and Traiterous Conſpiracies
" which I ſhall know to be againſt him or any of
" them. And I do faithfully promiſe to the ut-
" moſt of my Power, to Support, Maintain, and
" Defend the Succeſſion of the Crown againſt
" him the ſaid *James*, and all other Perſons
" whatſoever; which Succeſſion by an Act inti-
" tuled, *An Act for the further Limitation of the*
" *Crown, and better ſecuring the Rights and Liber-*
" *ties of the Subject*, is and ſtands Limited to the
" late Princeſs *Sophia*, Electoreſs and Dutcheſs
" *Dowager* of *Hanover*, and the Heirs of her
" Body, being *Proteſtants*. And all theſe Things
" I do plainly and ſincerely Acknowledge and
" Swear, according to the expreſs Words by me
" ſpoken, and according to the plain and com-
" mon Senſe and Underſtanding of the ſaid
" Words, without any Equivocation, mental
" Evaſion, or ſecret Reſervation whatſoever.

" And

" And I do make this Recognition, Acknowledg-
" ment, Abjuration, Renunciation, and Pro-
" miſe, Heartily, Willingly, and Truly, upon
" the true Faith of a Chriſtian.

So help me God.

The Quaker's AFFIRMATION.

" I *A. B.* do truly and ſincerely acknow-
" ledge, profeſs, teſtify and declare, in the pre-
" ſence of Almighty God, the Witneſs of the
" Truth of what I ſay, that King *George* is Law-
" ful and Rightful King of this Realm, and of
" all other his Dominions and Countries there-
" unto belonging. And I do ſolemnly and ſin-
" cerely declare, that I do believe the Perſon
" pretended to be the Prince of *Wales*, during
" the Life of the late King *James*, and ſince his
" Death pretending to be, and taking upon him-
" ſelf the Stile and Title of King of *England*, by
" the Name of *James* III. *&c.* hath not any
" Right or Title whatſoever to the Crown of
" this Realm, nor any other the Dominions
" thereunto belonging: And I do Renounce and
" Refuſe any Allegiance or Obedience to him.
" And I do ſolemnly promiſe, that I will be true
" and faithful, and bear true Allegiance to King
" *George*; and to him will be faithful, againſt all
" Traiterous Conſpiracies and Attempts what-
" ſoever, which ſhall be made againſt his Perſon,
" Crown, or Dignity. And I will do my beſt
" Endeavour to diſcloſe and make known to
" King *George*, and his Succeſſors, all Treaſons
" and Traiterous Conſpiracies which I ſhall know
" to be made againſt him or any of them. And
" I will be true and faithful to the Succeſſion of

" the

" the Crown, againſt him the ſaid *James*, and
" all other Perſons whatſoever, as the ſame is
" and ſtands ſettled by an Act entituled, *&c.*
" And all theſe things I do plainly and ſincerely
" acknowledge, promiſe and declare, according
" to the expreſs Words by me ſpoken, and ac-
" cording to the plain and common Senſe and
" Underſtanding of the ſame Words, without
" any Equivocation, mental Evaſion, or ſecret
" Reſervation whatſoever. And I do make this
" Recognition, Acknowledgement, Renuncia-
" tion, and Promiſe, heartily, willingly, and
" truly.

A. B.

THESE Oaths and Affirmations, have been contriv'd as a further Security to the Proteſtant Succeſſion, and a Fence againſt Popery and Arbitrary Power; (For the Liberties of the Subject go with the Succeſſion, and are the chief Foundation of it) I hope they are obſerv'd as the Nature of them requires, at leaſt I muſt wiſh it: But I very much admire, at a time the Solemnity of an Oath wants Props to ſupport it, that the People call'd *Quakers*, ſhould petition for a Law to have Nothing to do with God Almighty, and when their Conſciences were excus'd before; the Word Conſcience, not being once made uſe of in their ſolemn Affirmation.

IF this Law ſhould paſs, they may next petition for an Ordinance to be exempted from the Authority of the King and Magiſtrate, as well as to have Nothing to do with God; and to be freed from all legal Ties, which other perhaps

more honeſt, Subjects are liable unto. I can ſee no Reaſon for any further Indulgencies to theſe People; the granting them would ſeem a Hardſhip upon others; But I have already obſerv'd, that an Election is Approaching.

FINIS.

BIBLIOTHECA BODLEIANA